

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS

Certification of Filling a Vacancy  
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single-member district by the individual listed below:

Alice M. Chandler  
Single Member District 7C04

District of Columbia  
**BOARD OF ELECTIONS AND ETHICS**

*Monthly Report*  
*of*  
*Voter Registration Statistics*  
*for the period ending*  
*June 30, 2006*

*Covering Citywide Totals by:*

**WARD, PRECINCT, and PARTY**

One Judiciary Square  
441 - 4<sup>th</sup> Street, NW, Suite 250N  
Washington, DC 20001  
(202) 727-2525  
<http://www.dcboee.org>

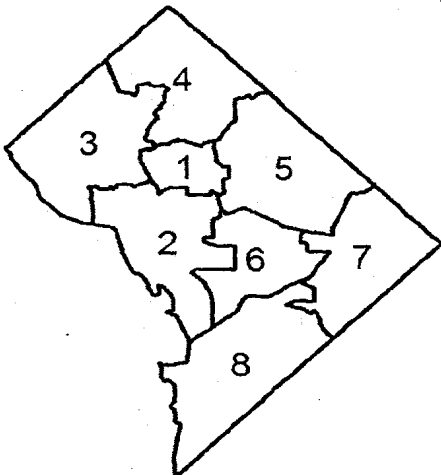
**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**CITYWIDE SUMMARY**

**Party Totals and Percentages by Ward for the period ending June 30, 2006**

<b>WARD</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>1</b>	30,897	2,763	990	9,634	236	44,520
<b>2</b>	25,842	5,630	493	9,188	188	41,341
<b>3</b>	31,019	8,217	462	9,742	149	49,589
<b>4</b>	42,428	2,920	659	8,121	205	54,333
<b>5</b>	41,856	2,287	663	7,195	217	52,218
<b>6</b>	35,219	5,034	652	8,153	197	49,255
<b>7</b>	40,040	1,770	526	6,159	162	48,657
<b>8</b>	32,874	1,727	592	5,877	180	41,250
<b>TOTALS</b>	<b>280,175</b>	<b>30,348</b>	<b>5,037</b>	<b>64,069</b>	<b>1,534</b>	<b>381,163</b>
<b>TOTAL Percentage (by party)</b>	<b>73.5%</b>	<b>8.0%</b>	<b>1.3%</b>	<b>16.8%</b>	<b>0.4%</b>	<b>100.0%</b>

**Wards**



**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 1**

For the Period Ending: June 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>20</b>	1,340	46	18	392	28	<b>1,824</b>
<b>22</b>	2,055	230	56	530	19	<b>2,890</b>
<b>23</b>	1,506	98	63	513	8	<b>2,188</b>
<b>24</b>	1,832	222	41	598	13	<b>2,706</b>
<b>25</b>	3,170	481	102	957	13	<b>4,702</b>
<b>35</b>	2,750	244	105	906	18	<b>4,023</b>
<b>36</b>	2,711	205	81	830	21	<b>3,848</b>
<b>37</b>	2,288	145	54	615	15	<b>3,117</b>
<b>38</b>	1,940	139	58	582	15	<b>2,734</b>
<b>39</b>	2,700	222	116	875	20	<b>3,933</b>
<b>40</b>	2,633	220	130	913	19	<b>3,915</b>
<b>41</b>	2,146	169	75	866	12	<b>3,268</b>
<b>42</b>	1,288	69	35	405	15	<b>1,812</b>
<b>43</b>	1,225	84	32	281	8	<b>1,630</b>
<b>136</b>	704	157	13	230	6	<b>1,110</b>
<b>137</b>	609	32	11	141	6	<b>799</b>
<b>TOTALS</b>	<b>30,897</b>	<b>2,763</b>	<b>990</b>	<b>9,634</b>	<b>236</b>	<b>44,520</b>

**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 2**

For the Period Ending: June 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>2</b>	404	133	7	262	7	<b>813</b>
<b>3</b>	1,140	446	12	545	8	<b>2,151</b>
<b>4</b>	897	318	14	444	8	<b>1,681</b>
<b>5</b>	1,980	751	34	736	10	<b>3,511</b>
<b>6</b>	2,354	1,229	52	1,455	20	<b>5,110</b>
<b>13</b>	1,111	301	15	418	6	<b>1,851</b>
<b>14</b>	2,398	460	39	777	16	<b>3,690</b>
<b>15</b>	2,594	360	40	823	22	<b>3,839</b>
<b>16</b>	2,311	366	43	647	9	<b>3,376</b>
<b>17</b>	3,218	563	69	1,144	32	<b>5,026</b>
<b>18</b>	2,995	222	69	725	15	<b>4,026</b>
<b>21</b>	1,130	75	33	263	4	<b>1,505</b>
<b>129</b>	1,252	166	22	405	14	<b>1,859</b>
<b>141</b>	2,058	240	44	544	17	<b>2,903</b>
<b>TOTALS</b>	<b>25,842</b>	<b>5,630</b>	<b>493</b>	<b>9,188</b>	<b>188</b>	<b>41,341</b>

**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 3**

For the Period Ending: June 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>7</b>	961	411	18	438	7	<b>1,835</b>
<b>8</b>	2,011	736	34	653	4	<b>3,438</b>
<b>9</b>	876	594	9	378	2	<b>1,859</b>
<b>10</b>	1,626	584	24	620	8	<b>2,862</b>
<b>11</b>	2,763	837	51	1,153	27	<b>4,831</b>
<b>12</b>	459	200	3	192	5	<b>859</b>
<b>26</b>	2,386	484	44	800	11	<b>3,725</b>
<b>27</b>	2,220	340	23	503	9	<b>3,095</b>
<b>28</b>	2,093	737	31	802	9	<b>3,672</b>
<b>29</b>	1,067	290	19	307	3	<b>1,686</b>
<b>30</b>	1,083	319	16	250	2	<b>1,670</b>
<b>31</b>	1,903	409	20	490	9	<b>2,831</b>
<b>32</b>	2,417	462	29	592	9	<b>3,509</b>
<b>33</b>	2,485	444	50	664	14	<b>3,657</b>
<b>34</b>	3,015	607	38	1,024	18	<b>4,702</b>
<b>50</b>	1,838	350	24	399	6	<b>2,617</b>
<b>138</b>	1,816	413	29	477	6	<b>2,741</b>
<b>TOTALS</b>	<b>31,019</b>	<b>8,217</b>	<b>462</b>	<b>9,742</b>	<b>149</b>	<b>49,589</b>

**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 4**

For the Period Ending: June 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>45</b>	1,879	102	34	328	13	<b>2,356</b>
<b>46</b>	2,561	113	37	482	11	<b>3,204</b>
<b>47</b>	2,222	166	42	624	16	<b>3,070</b>
<b>48</b>	2,413	161	41	481	8	<b>3,104</b>
<b>49</b>	639	37	16	155	4	<b>851</b>
<b>51</b>	2,963	626	48	616	10	<b>4,263</b>
<b>52</b>	1,189	290	8	244	0	<b>1,731</b>
<b>53</b>	997	97	19	250	3	<b>1,366</b>
<b>54</b>	1,935	143	37	437	16	<b>2,568</b>
<b>55</b>	2,361	118	32	380	14	<b>2,905</b>
<b>56</b>	2,790	120	40	650	17	<b>3,617</b>
<b>57</b>	2,302	112	33	417	16	<b>2,880</b>
<b>58</b>	2,105	66	34	362	7	<b>2,574</b>
<b>59</b>	2,404	92	30	349	12	<b>2,887</b>
<b>60</b>	1,613	100	27	586	13	<b>2,339</b>
<b>61</b>	1,523	78	20	273	3	<b>1,897</b>
<b>62</b>	3,056	191	42	363	7	<b>3,659</b>
<b>63</b>	2,747	136	71	500	14	<b>3,468</b>
<b>64</b>	2,222	87	20	309	9	<b>2,647</b>
<b>65</b>	2,507	85	28	315	12	<b>2,947</b>
<b>TOTALS</b>	<b>42,428</b>	<b>2,920</b>	<b>659</b>	<b>8,121</b>	<b>205</b>	<b>54,333</b>

## PRECINCT STATISTICS

**For the Period Ending: June 30, 2006**

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
<b>19</b>	2,973	192	83	665	19	<b>3,932</b>
<b>44</b>	2,326	252	33	546	19	<b>3,176</b>
<b>66</b>	4,134	132	37	468	18	<b>4,789</b>
<b>67</b>	2,830	141	28	379	14	<b>3,392</b>
<b>68</b>	1,762	169	36	353	7	<b>2,327</b>
<b>69</b>	2,020	105	18	220	12	<b>2,375</b>
<b>70</b>	1,322	82	23	240	5	<b>1,672</b>
<b>71</b>	2,314	90	35	373	10	<b>2,822</b>
<b>72</b>	3,464	142	44	575	16	<b>4,241</b>
<b>73</b>	1,679	100	29	320	7	<b>2,135</b>
<b>74</b>	3,306	213	61	677	16	<b>4,273</b>
<b>75</b>	2,463	134	50	511	21	<b>3,179</b>
<b>76</b>	652	50	16	167	6	<b>891</b>
<b>77</b>	2,457	116	37	406	12	<b>3,028</b>
<b>78</b>	2,230	97	31	392	7	<b>2,757</b>
<b>79</b>	1,746	74	31	299	7	<b>2,157</b>
<b>135</b>	2,418	150	55	458	15	<b>3,096</b>
<b>139</b>	1,760	48	16	146	6	<b>1,976</b>
<b>TOTALS</b>	<b>41,856</b>	<b>2,287</b>	<b>663</b>	<b>7,195</b>	<b>217</b>	<b>52,218</b>



## PRECINCT STATISTICS

**For the Period Ending: June 30, 2006**6409

**D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**PRECINCT STATISTICS**

**Ward 7**

For the Period Ending: June 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
<b>80</b>	1,187	63	16	198	8	<b>1,472</b>
<b>92</b>	1,276	67	19	208	8	<b>1,578</b>
<b>93</b>	1,220	59	15	202	6	<b>1,502</b>
<b>94</b>	1,638	82	20	236	5	<b>1,981</b>
<b>95</b>	1,338	45	25	221	2	<b>1,631</b>
<b>96</b>	1,805	78	30	294	4	<b>2,211</b>
<b>97</b>	1,009	49	18	175	2	<b>1,253</b>
<b>98</b>	1,449	56	18	197	10	<b>1,730</b>
<b>99</b>	1,134	44	14	195	5	<b>1,392</b>
<b>100</b>	1,416	68	25	235	5	<b>1,749</b>
<b>101</b>	1,444	50	14	186	5	<b>1,699</b>
<b>102</b>	1,908	82	26	252	8	<b>2,276</b>
<b>103</b>	2,887	126	43	486	13	<b>3,555</b>
<b>104</b>	2,059	99	33	363	12	<b>2,566</b>
<b>105</b>	1,697	72	29	239	7	<b>2,044</b>
<b>106</b>	2,662	107	32	373	6	<b>3,180</b>
<b>107</b>	1,300	72	13	236	4	<b>1,625</b>
<b>108</b>	1,059	47	7	109	4	<b>1,226</b>
<b>109</b>	954	44	10	103	3	<b>1,114</b>
<b>110</b>	3,497	153	40	464	13	<b>4,167</b>
<b>111</b>	1,769	66	25	335	9	<b>2,204</b>
<b>112</b>	1,806	73	24	295	11	<b>2,209</b>
<b>113</b>	1,914	90	16	293	7	<b>2,320</b>
<b>132</b>	1,612	78	14	264	5	<b>1,973</b>
<b>TOTALS</b>	<b>40,040</b>	<b>1,770</b>	<b>526</b>	<b>6,159</b>	<b>162</b>	<b>48,657</b>

## PRECINCT STATISTICS

**For Period Ending: June 30, 2006**

**6411**

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**NOTICE OF RECEIPT AND INTENT TO ISSUE AN ADVISORY OPINION**

The District of Columbia Board of Elections and Ethics hereby gives notice of its receipt of the following "Request for an Advisory Opinion" pursuant to D.C. Official Code § 1-1103.05 (c)(1) (2001 Edition):

With respect to a political committee formed in support of an initiative, may an initiative proposer continue to serve as both chairman and treasurer of the political committee solely for the purpose of winding up the affairs of the committee even if he or she moves his/her residence to a place outside the District of Columbia?

Members of the public are invited to submit comments in writing to the General Counsel of the Board of Elections and Ethics, Suite 270, One Judiciary Square, 441 4<sup>th</sup> Street, NW, Washington, D.C. 20001. Comments should be received not later than fifteen (15) days from publication of this Notice.

The Board shall issue its Advisory Opinion within a reasonable period of time following the close of the period provided for the receipt of public comments and shall publish the Opinion in the D.C. Register within thirty (30) calendar days of its issuance.

**DEPARTMENT OF HUMAN SERVICES  
FAMILY SERVICES ADMINISTRATION  
COMMUNITY SERVICES BLOCK GRANT PROGRAM**

**NOTICE OF AVAILABILITY OF FY 2007 AND FY 2008 CSBG STATE PLAN AND  
APPLICATION FOR PUBLIC REVIEW AND COMMENTS**

The Interim Director of the Department of Human Services ("Department"), pursuant to the requirements of the Coats Human Services Reauthorization Act of 1998, P.L. 105-285, makes available, a copy of Fiscal Years 2007 and 2008 Community Services Block Grant (CSBG) State Plan and Application for public review and comments at the following locations from August 18, 2006 through August 31, 2006:

Department of Human Services  
Family Services Administration  
Community Services Block Grant Program  
64 New York Avenue, N.E., 6<sup>th</sup> Floor  
Washington, DC 20002

United Planning Organization  
301 Rhode Island Avenue, N.W.  
Washington, DC 20001

Martin Luther King, Jr. Memorial Library  
Public Comments Section, 3<sup>rd</sup> Floor  
901 G Street, N.W.  
Washington, DC 20001

Public comments shall be received from CSBG customers and other interested individuals on issues relating to the reduction of poverty in the District of Columbia, and on methods to assist low-income individuals and families to:

- Secure and retain meaningful employment;
- Attain an adequate education;
- Make better use of available income;
- Obtain and maintain adequate housing and secure a suitable living environment;
- Remove obstacles and solve problems which inhibit the attainment of self-sufficiency;  
and
- Achieve greater participation in the communities in which they live.

If you have questions, or require additional information, please contact the CSBG program office at (202) 671-4720.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005**

**NOTICE**

**GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON  
GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE  
SCHEDULE NO. 6**

**And**

**GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON  
GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE  
PROVISION NO. 23**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its action taken in Order No. 14010, issued on July 24, 2006, extending the deadline for filing comments and reply comments in these proceedings. The comment period is extended until August 9, 2006 and the reply comment period is extended until August 24, 2006.

2. On May 1, 2006, Washington Gas Light Company ("WGL") filed two Tariff Applications requesting authority to revise **Tariff Page No. 27N for Rate Schedule No. 6** ("GT97-3 Application")<sup>1</sup> and **Tariff Page No. 57 for General Service Provision No. 23** ("GT06-1 Application").<sup>2</sup> A Notice of Proposed Rulemaking for the GT06-1 Application was published in the *D.C. Register* on June 9, 2006.<sup>3</sup> A Notice of Proposed Rulemaking for the GT97-3 Application was published in the *D.C. Register* on June 16, 2006.<sup>4</sup> The NOPRs stated that all comments must be received within 30 days of the date of publication of the NOPRs.<sup>5</sup> Reply comments were due no later than 45 days of the date of the publication of the NOPRs.<sup>6</sup>

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<sup>1</sup> GT97-3, WGL's Application at 1.

<sup>2</sup> GT97-3, WGL's Application at 1.

<sup>3</sup> 53 *D.C. Reg.* 4577 (June 9, 2006).

<sup>4</sup> 53 *D.C. Reg.* 4831 (June 16, 2006).

<sup>5</sup> 53 *D.C. Reg.* 4578, 53 *D.C. Reg.* at 4832,

<sup>6</sup> 53 *D.C. Reg.* 4578, 53 *D.C. Reg.* at 4832,

3. On July 10, 2006, the Office of the People's Counsel ("OPC") filed a motion to extend time in both proceedings, requesting an extension of time to file comments until August 9, 2006 and reply comments until August 24, 2006. OPC also requests that the same filing deadlines be established in both proceedings.<sup>7</sup> OPC maintains that WGL does not object to its request.<sup>8</sup>

4. After considering OPC's Motion, the Commission has decided to extend the deadline for filing comments and reply comments in this matter. The comment period in a rulemaking is extended by notice in the *D.C. Register*. In the event that any party files comments before publication of this notice, that party may either supplement those comments or withdraw and resubmit them by the new deadlines.

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<sup>7</sup> OPC Motion at 2-3.

<sup>8</sup> OPC Motion at 3.

## **STATE EDUCATION OFFICE NOTICE OF FUNDING AVAILABILITY**

The State Education Office (SEO), on behalf of the Executive Office of the Mayor, announces a Notice of Funding Availability (NOFA). Eligible entities may apply for up to \$100,000 from the SEO to support a Professional Development Center For the Improvement of Adult Literacy and Adult Education. An additional \$100,000 will also be available to the project from a philanthropic funding source. The State Education Office expects to award one grant. The grant award will be for a period of one year from the date of the award. Grant funding in subsequent years will be budgeted pending availability of funds from the State Education Office, Executive Office of the Mayor through the Adult Literacy Initiative and private providers.

The Professional Development Center for Adult Literacy And Lifelong Learning is a resource center for staff and program development to support the District of Columbia's adult literacy, basic education, GED preparation, and adult English language learning provider organizations and staff. The objective of the resource center is to help improve program and organizational development and capacity; staff knowledge and competence; delivery of adult literacy curriculum, instruction, and assessment standards, Equipped for the Future standards, and online learning and distance learning standards.

### ***Eligibility***

- Any 501c3 not-for profit organization or collaboration of public adult literacy organizations eligible to receive public and charitable private funds;
- Any District of Columbia-based non-profit or for-profit organization with expertise and experience in adult education;
- Partner (and sub-contractor) with local, experienced adult education staff and program development provider in the first two years. The role of this partner organization is to provide expertise which will enable this Center to provide services on its own after two years;
- Provide matching funds, space or in-kind services equal to 10% of the requested funds;
- Establish an advisory panel to provide guidance and recommendations to the Center executive and program staff made up of representatives from programs served, the State Education Office, the State Education Office Task Force, the State Education Agency at the University of the District of Columbia (SEA at UDC), publicly funded training centers, and corporate and foundation communities.

### ***Application Due Date***

The Request for Application (RFA) will be released on July 28, 2006, and the deadline for submission is August 31, 2006, at 5:00 p.m. The RFA may be obtained from the following:

- The State Education Office  
441 4<sup>th</sup> Street, NW, Suite 350 North  
Washington, DC 20001
- The State Education Office's Website  
<http://seo.dc.gov/seo/site/default.asp>



- The Office of Partnerships and Grants Development's Website  
<http://www.opgd.dc.gov/opgd/site/default.asp>

For further information, please contact:

Glenda Partee  
Director, Policy, Research & Analysis  
State Education Office  
(202) 727-8576  
[Glenda.Partee@dc.gov](mailto:Glenda.Partee@dc.gov)

Alexandra King  
Manager, Adult Literacy Initiative  
State Education Office  
(202) 724-1371  
[Alexandra.King@dc.gov](mailto:Alexandra.King@dc.gov)

## **Two Rivers Public Charter School**

### **NOTICE OF REQUEST FOR PROPOSALS**

Two Rivers Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 ("Act"), hereby solicits expressions of interest for the following services.

#### **I. Cleaning Services Sought:**

Superior janitorial services sought to maintain a neat and clean environment for staff and students. The Facility has about 35,000 sq ft on 3 floors.

#### **II. Facility Management Services Sought:**

Superior facility management services sought to provide inspection, systems maintenance, exterior grounds management, and repairs to facility.

**For Additional Information E-Mail: [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org). No phone calls will be taken. A bidder's conference will be held and all companies who express an interest via e-mail will be notified. Deadline for submissions is September 1, 2006 at 5pm.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17316-A of Randle Highlands Manor Limited Partnership**, pursuant to 11 DCMR § 3104.1, for a special exception under § 353 and § 410 (new residential development), and pursuant to 11 DCMR § 3103.2, for a variance from the side yard requirements of § 405, to allow the development of ten single-family dwellings on a single subdivided lot in the R-5-A District at premises 2700 R Street, S.E. (Square 5585, Lot 812).

**HEARING DATE:** May 10, 2005

**DECISION DATE:** June 7, 2005

**DATE OF DECISION**

**ON RECONSIDERATION:** February 7, 2006

**ORDER ON RECONSIDERATION**

On December 22, 2005, ANC 7B, which opposed the application of Randle Highlands Manor ("Applicant") at the hearing on the application, timely filed a motion for reconsideration ("motion") of the December 12, 2005 Board Order granting the application ("Order"). See, 11 DCMR § 3126. The Applicant filed a response to the motion for reconsideration, which was received by the Office of Zoning ("OZ") on January 3, 2006.

***Procedural Issues***

The Applicant's response points out several potential procedural deficiencies in the ANC's motion. The motion does not set forth the context in which ANC 7B decided to request reconsideration. There is no statement in the motion that the ANC took a vote at a properly noticed public meeting, with a quorum present. There was also some question whether the signer of the motion, ANC Commissioner Davis, was authorized to represent the ANC as to reconsideration.

As to these preliminary matters, the Board finds that the motion can be accepted even without setting forth the procedural context in which the ANC decided to request reconsideration because such information is specifically required in "the written report of the ANC," but not in a motion for reconsideration. Compare, 11 DCMR § 3115.1 and § 3126.4. Section 3126 does not specify that an ANC requesting reconsideration set forth the procedural background of its request. Instead, it states that a motion for reconsideration must set forth three things: (1) a specific statement of all respects in

which the final decision is claimed to be erroneous, (2) the grounds for reconsideration, and (3) the relief sought.

As to whether Commissioner Davis was authorized to represent the ANC with respect to a motion for reconsideration, the Board finds that the ANC letter of May 31, 2005, clearly states that "[t]he ANC 7B representative for this case is Commissioner Kenneth A. Davis" and operates to authorize Commissioner Davis throughout the entirety of the proceedings in this case, including any request for reconsideration.

### *The Merits of the Motion*

The motion for reconsideration alleged five errors in the Board's decision. It alleged generally that the estimated sales prices given by the Applicant and accepted by the Board were unrealistic and that a higher per-unit sales price might allow for a smaller development and might eliminate the need for zoning relief. The motion also opined that any agreement between the Applicant and the District of Columbia government (to provide two low-income units) was a temporary, self-imposed burden. Finally, the motion found fault with two specific Findings of Fact in the Order, alleging that there was insufficient evidence to support them.

The first two allegations mentioned above regarding the sales price of the units are conclusory statements unsupported by any facts, whether from the record or newly-introduced. The issues raised by these statements were thoroughly vetted at the hearing and in the Board's Order. Related to this argument are the two findings of fact with which the ANC takes issue - Findings of Fact Nos. 28 and 29. With regard to both of these findings of fact, the motion complains that the Applicant did not provide current or projected sales prices or a breakdown of construction costs to support them. With regard to No. 28, the ANC further notes that no "break even" costs were provided, and with regard to No. 29, the ANC states that there was no explanation provided for why the construction costs for eight units were higher than for ten units.

The Zoning Regulations do not require that current or projected sales prices, a breakdown of construction costs, or "break even" costs be provided. They leave an Applicant to present whatever evidence it sees fit. The Board then weighs all the evidence presented and makes a decision. Whether sufficient evidence of economic difficulties is presented is a determination to be made by the Board. In this case, the Board was persuaded that the Applicant's economic burdens were a significant and appropriate factor in the practical difficulty analysis of the variance test.

With regard to Finding of Fact No. 29, the motion contends that there was no explanation provided as to why construction costs for 8 units would be higher than for 10 units. The

**BZA APPLICATION NO. 17316-A**  
**PAGE NO. 3**

motion misstates the facts. Finding of Fact No. 28 states the cost to build 10 units as \$2,521,340 and Finding of Fact No. 29 states the cost to build 8 units as \$2,355,000. The cost to build 10 units is higher than the cost to build 8 units; however, with 2 units sold at below-market-rate, the construction of 8 units would result in a loss, whereas the construction of 10 units would not.

As explained in the Order on page 10, the Board found that the sale of 8 units, with two marketed at a lower-income sales price, would not permit the Applicant to recoup his construction costs, but would result in a loss to the Applicant. With the sale of 10 units, the Applicant would not sustain a loss. The motion does not offer any new evidence that undermines this analysis nor any legal argument that the Board erred in its analysis.

Finally, the ANC's contention that the Applicant's agreement with the District of Columbia to provide two low-income units is a self-imposed burden was also thoroughly discussed in the Order. While self-created hardship may sometimes prevent the granting of zoning relief, the Board fully addressed in the Order why that theory did not apply to the facts in this case. (See Order at 10-11.)

For all of the above reasons, it is hereby **ORDERED** that ANC 7B's motion for reconsideration is **DENIED**.

**VOTE:** 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann II and Kevin Hildebrand to deny)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**  
Each concurring member approved the issuance of this order.

JUL 27 2006

**FINAL DATE OF ORDER:**

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

Application No. 17506 of Scott D. Greenwald, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing single-family dwelling under section 223, not meeting the lot occupancy (section 403) and side yard (section 405) requirements in the R-4 District at premises 1834 Park Road, N.W. (Square 2606, Lot 82).

**HEARING DATE:** July 25, 2006  
**DECISION DATE:** July 25, 2006 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1D, which is automatically a party to this application. ANC 1D submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by

findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**        3-0-2 (Ruthanne G. Miller, Gregory N. Jeffries and John A. Mann II, to approve; Geoffrey H. Griffis and Curtis L. Etherly, Jr., not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** July 25, 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE

PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17507 of Brownstein Commons LP**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, and pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a new 240 unit residential condominium development consisting of 12 buildings under sections 353 and 2516, in the R-5-A District at premises 1100-1204 Mississippi Avenue, S.E. and 3401-3411 10<sup>th</sup> Place, S.E. (Square 5933, Lot 45, and Square 5934, Lots 14-18 and 801).

**HEARING DATE:** July 25, 2006  
**DECISION DATE:** July 25, 2006 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 8E, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP). The OP submitted a report in support of the application. The subject property is located within the jurisdiction of ANC 8E. ANC 8E, which is automatically a party to the application, submitted a letter in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions pursuant to 11 DCMR §§ 3104.1, 2516 and 353, and a variance under 11 DCMR § 3103.2 from the strict application of the requirements of § 2101.1. No party appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1, for a special exception under sections 2516 and 353, that the requested relief can be granted as in harmony with the

general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the applicant has met its burden of proof under 11 DCMR §§ 3103.2 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**.

**VOTE:**      **4-0-1** (Curtis L. Etherly, Jr., Ruthanne G. Miller, Gregory N. Jefferies and John A. Mann II to grant, Geoffrey H. Griffis not present not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this Order.

**FINAL DATE OF ORDER:** July 25, 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17447 of 2142 O Street LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under subsection 402.4, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow the enlargement of an existing vacant former apartment building from 10 units to 8-9 condominium units in the DC/R-5-B District at premises 2142 O Street, N.W. (Square 69, Lot 218).

**HEARING DATE:** March 21, 2006, July 25, 2006  
**DECISION DATE:** July 25, 2006

**SUMMARY DISMISSAL ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site.

This application was filed with the Office of Zoning (OZ) on October 6, 2006. The application was originally scheduled to be heard by the Board of Zoning Adjustment (Board) on March 21, 2006. On March 21, 2006, the Applicant requested that the Board grant a postponement of the case to allow more time to meet with a neighbor. The Applicant proffered that the meeting would be to address some outstanding issues with regards to shadow studies and impacts from the application on the neighbor's property. The Board granted the Applicant's request and rescheduled the hearing to July 25, 2006, morning session beginning at 9:30 a.m. The Board publicly announced the new date and time of the postponement hearing to all those present in the audience, including the Applicant and other interested persons. On July 25, 2006, the Applicant did not appear for the scheduled public hearing when their case was called. The Board instructed the OZ staff to try and contact the Applicant by telephone to ascertain their reason for not appearing. The Board adjusted the order of cases to be heard to allow the Applicant more time to appear before the morning cases were concluded. Despite repeated tries, the OZ was unable to contact the Applicant by telephone and the Applicant did not show up for the hearing. As such, consistent with 11 DCMR §

3113.11, the Board on its own motion, voted to dismiss the application for failure of the Applicant to comply with the Board's procedural requirements.

In light of the foregoing and pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **DISMISSED**.

**VOTE:** 4-0-1 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Gregory N. Jeffries and John A. Mann III to dismiss the application; Geoffrey H. Griffis not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this Order.

JUL 27 2006

**FINAL DATE OF ORDER:** \_\_\_\_\_

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. rsn

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